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OFFICE OF PETITIONS

In re Application of :
McKenna et al. :
Application No. 10/775,539 :
Filed: February 10, 2004 :
Attorney Docket No. 040819CIP1D1 :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 28, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

The Power of Attorney submitted on March 21, 2007 was not accepted (as stated in the Notice mailed on April 16, 2007) because the Statement under 37 CFR 3.73(b) was not fully proper. 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment-submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office. As to item (2) above, the statement submitted with the Power of Attorney lacked the reel and frame number of the assignment and/or documentary evidence of the chain of title from the original owner to the assignee.

While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate and proper instructions are received to the contrary.

This matter is being referred to Technology Center 2600 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

A handwritten signature in black ink, appearing to read "Liana Walsh", written in a cursive style.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

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